

the General Assembly, in order to amend the Constitution, and then you are saying by majority action then can call an entirely new constitutional convention. I think it is time that Maryland came in the mainstream of the thinking of this country, and I urge that this amendment be adopted.

*(Second Vice-President William James assumed the Chair.)*

DELEGATE JAMES (presiding): Is there any further discussion?

The Chair recognizes Delegate Gallagher.

DELEGATE GALLAGHER: Mr. President and ladies and gentlemen; may I point out that the effect of this amendment is to remove from the General Assembly the power of calling for a constitutional convention on its own volition. The question of limiting the General Assembly to merely submitting the question to the voters is a very interesting one. Those students of history will remember when the twenty year question was put in 1950 to the voters of Maryland, the voters overwhelmingly, approximately 2.5 to 1, voted for the calling of a constitutional convention, but because the number of votes cast in the affirmative did not equal at least fifty percent of the total votes cast for governor, the General Assembly, in its wisdom at that time, decided that there would be no constitutional convention called.

I submit to you that under the reapportioned General Assembly which has less to fear from a constitutional convention that it is one of the proper prerogatives of that body to call a constitutional convention if it desires to do so without the intervening time lag; if the time lag would take place, one could be involved with the question of submitting it to the voters.

I submit to you the original proposal is best, that you give the General Assembly the option of either calling the constitutional convention on its own volition; or if it has some doubts about it, submitting the question to the voters. I say to you in a constitutional convention where we are trying to strengthen the arm of the legislature, we should not be passing this kind of amendment which, in effect, takes from the General Assembly a very significant and important power.

I urge you to defeat the amendment.

DELEGATE JAMES (presiding). The Chair recognizes Delegate Weidemyer.

DELEGATE WEIDEMEYER: I rise to support the amendment, Mr. President.

As this section 10.03 is now drafted, the legislature, by a simple majority, may call a constitutional convention, or by a simple majority it may submit the question to the people. Then the amendment goes on to majority voting on the question.

I know that a lot of them who looked for a constitutional convention for quite a few years want to liberalize it, but to have a change in our basic fundamental organic law of the State every time the whim of a bare majority occurs is something upsetting and disturbing.

In a constitutional form of government in a republic such as we have, a constitution is your basic document, and once the people get used to it and it is workable, just for trivial reasons we do not want to have it upset and disturb our whole populace.

I think you are liberalizing it enough when you take away from the General Assembly the power to call it every time they want at the whim of a bare majority and upset our basic structure of this State. I think we better give a lot of thought to this amendment, because if you work hard here and you think you prepared a good document, you do not want the next legislature to come in and by a bare majority call another constitutional convention, which you provide for in this document.

DELEGATE JAMES (presiding): The gentleman has a question.

DELEGATE WEIDEMEYER: If he wants to ask a question — I only have a minute, and I wish to conclude my remarks.

This amendment is a very good amendment, and I hope for the sake of stability in government you will think long and hard on it, and will vote for this amendment. What could happen? Supposing yesterday this same issue was up. We saw what happened right in these very halls where by a bare majority we adopted an amendment; by another we reconsidered it; and by another bare majority we put it in — we had a tie vote.

The way this is written you are allowing the legislature to call a constitutional convention. Every time we have had a constitutional convention before, in our Constitutions of 1851, 1864, and 1867, the legislature could take the sense of the people, but it had to have two-thirds vote. Before a Constitution could be mandated